



Petition No.944 of 2013

**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

**Date of Order : 16.02.2015**

**PRESENT:**

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Smt. Meenakshi Singh, Member
3. Hon'ble Sri Indu Bhushan Pandey, Member

**IN THE MATTER OF:** Compensatory tariff under Case-1 Bidding Process

**AND**

**IN THE MATTER OF**

1. PTC India Ltd.  
2<sup>nd</sup> Floor, NBCC Tower,  
15 – Bhikaji Cama Place,  
New Delhi – 110 066
2. Athena Chattisgarh Power Ltd.  
7-1-24/1/RT, G.B Block  
Roxana Towers, Green Lands,  
Begumpet, Hyderabad - 500016

----- **Petitioner**

UP Power Corporation Limited, (through its Managing Director), 7th Floor, Shakti Bhawan,  
14, Ashok Marg, Lucknow

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The following were present:

1. Sri Rajeev Bharadwaj, Advocate, PTC India Ltd.
2. Sri Guntur Pramod Kumar, Advocate, PTC India Ltd.
3. Sri Gopalakrishnan, Chief Operating Officer, Athena Chhattisgarh Power Ltd.
4. Sri A.H. Khan, C.E. (Planning), UPPCL
5. Sri Deepak Raizada, EE (Planning), UPPCL
6. Sri V.P.Srivastava, S.E. (Planning), UPPCL
7. Ms. Niharika Gupta, A.E. (Planning), UPPCL



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## Order

(Date of Hearing 23.01.2015)

1. No counter has been filed by UPPCL.
2. During the hearing, UPPCL submitted that subsequent to completion of Case-1 bidding process they could not enter into agreement with the petitioner till date and since there is no agreement on date between the parties the disputes raised in this petition are not maintainable. The learned counsel of the petitioner submitted that under section 86(1)(f) of the Electricity Act, 2003, their petition is maintainable.
3. The Commission directed UPPCL to file a detailed counter having their submission on merits and on the issues of maintainability with a copy to the petitioner who would file detailed rejoinder subsequently.
4. The Commission decided to hear the issues of maintainability and merit together in the next hearing which shall be fixed post submissions.

(Indu Bhushan Pandey)  
Member

(Meenakshi Singh)  
Member

(Desh Deepak Verma)  
Chairman

Place : Lucknow  
Dated: 16.02.2015